

REMARKS

Claims 1-23 were pending in the application. Claims 12-18 and 20-22 stand withdrawn from consideration. Claims 1-11, 19 and 23 were acted upon in the aforesaid Office Action. Claims 1, 19 and 23 have been canceled and new claims 24-26 have been added, leaving claims 2-11 and 24-26 for consideration.

Claim 1 was rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,692,513, issued to Streeter et al. Claim 1 related to an apparatus for performing beating heart surgery. Claim 1 has been canceled and new claim 24 has been added.

Claim 24 is similarly directed to an apparatus for performing beating heart surgery. The apparatus is defined as including a cannula configured for deployment substantially concentrically in an aorta, an aortic filter mounted on a distal end portion of the cannula, a check valve mounted on the distal end of the cannula and disposed adjacent the aortic filter, and a coronary artery filter connected to the cannula and extending distally of the check valve, a distal portion of the coronary artery filter being configured for deployment upstream of the check valve and being configured to cover openings proximate aortic leaflets and into coronary arteries.

Referring to Streeter et al. '513, it appears that only in the embodiment shown in FIGS. 6C and 6D is the cannula configured for deployment substantially concentrically in an aorta.

Referring to FIGS. 6C and 6D of Streeter et al. '513, it will be seen that the filter (310) appears not to be associated with an end portion of the cannula (320), and that the check valve (340) similarly does not appear to be associated with an

end portion of the cannula. It further appears that Streeter et al. '513 fail to disclose an aortic filter and a coronary artery filter as set forth in claim 24. There further appears to be no showing of a coronary artery filter extending distally from a check valve. If 315 (FIG. 6D) is considered a check valve and if mesh 360 on frame 325 is considered a coronary artery filter, the filter is not shown extending distally from the check valve, but rather, coincident with the check valve.

Finally, there appears to be no showing or suggestion in Streeter et al. '513 as to a distal portion of a coronary artery filter being configured for deployment to cover openings proximate aortic leaflets and into coronary arteries.

Accordingly, it is believed that Streeter et al. '513 does not anticipate, or suggest, the structure of Applicant's apparatus, as set forth in claim 24, and that claim 24 should be deemed allowable over Streeter et al. '513.

Claims 2-11 depend directly or ultimately from new claim 24 and should be deemed allowable, at least through dependency.

Claim 19 has been canceled and new claim 25 has been added. New claim 25 relates to a method for performing beating heart surgery. The method includes the provision of an apparatus similar to that set forth in claim 24, and limited to the coronary artery filter being configured to cover openings into coronary arteries adjacent aortic leaflets.

Inasmuch as Streeter et al. '513 fails to show or suggest a filter adapted to cover openings extending into coronary arteries, it appears that claim 25 stands clear of the teachings of Streeter et al. '513.

Claim 23 was rejected under 35 U.S.C. 102(a) as anticipated by Lambrecht et al. (WO 00144313).

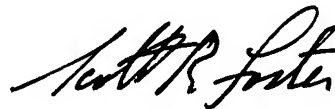
Claim 23 has been canceled and new claim 26 has been added. New claim 26 is limited, inter alia, to providing apparatus including a filter adapted to (1) make sealing engagement with a periphery of an aortic valve, and (2) make sealing engagement with openings extending into coronary arteries.

Streeter et al. '513 appear not to show a filter adapted to make sealing engagement with openings adjacent aortic leaflets and extending into coronary arteries. It therefore appears that claim 26 stands well clear of teachings of Streeter et al. '513.

In summary, it appears that claims 2-11 and 24-26 are in condition for allowance, which is most respectfully requested.

In the event that any additional fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Scott R. Foster".

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